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| EXAMINER |
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LEROUX, ETIENNE PIERRE

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| ART UNIT | PAPER NUMBER |
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2171

DATE MAILED: 09/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,501

Applicant(s)

ALPERN ET AL.

Examiner

Etienne P LeRoux

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,487,641 issued to Cusson et al; (hereafter Cusson '641).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1:

Cusson '641 discloses a method employed in a database that contains a subset of objects contained in another database system to which the database has access of responding to a request

Art Unit: 2171

received in the database system that cannot be executed therein because an object is lacking in the subset,

the method comprising the steps of:

- determining that the object required for the execution is lacking,
- during the execution, redirecting the execution at least with regards to the lacking object to the other database system [col 4, lines 31-35 which cites a dispatcher receives the specifier for the item and presents it to the miss table, if the miss table indicates that there is no copy of the item in the cache, the dispatcher uses the item specifier to fetch the remotely-stored item]

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,832,521 issued to Klots et al (hereafter Klots '521)

Claim 1:

Klots '521 discloses a method employed in a database that contains a subset of objects contained in another database system to which the database has access of responding to a request received in the database system that cannot be executed therein because an object is lacking in the subset,

the method comprising the steps of:

- determining that the object required for the execution is lacking,
- during the execution, redirecting the execution at least with regards to the lacking object to the other database system [Fig 3, 306, 304 and 314 and col 7, lines 5-21]

Art Unit: 2171

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,974,129 issued to Bodnar (hereafter Bodnar '129).

Claim 1:

Bodnar '129 discloses a method employed in a database that contains a subset of objects contained in another database system to which the database has access of responding to a request received in the database system that cannot be executed therein because an object is lacking in the subset,

the method comprising the steps of:

- determining that the object required for the execution is lacking,
- during the execution, redirecting the execution at least with regards to the lacking object to the other database system [abstract]

Claim 2:

Bodnar '129 discloses determining while the request is being placed in a form required for execution in the database system whether the execution requires the lacking object, and when the execution requires such an object, modifying the form so that the modified form causes the execution at least with regard to the object to be redirected to the other database system [col 3, lines 42-57 and Fig 2]

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar '129 in view of Klots '521.

Claim 3:

Bodnar '129 discloses the elements of claims 1 and 2 as noted above.

Bodnar '129 fails to disclose the request includes an SQL statement that requires the lacking object in the step of determining, the SQL statement is placed in the form of a cursor, and in the step of modifying, the cursor is marked to indicate that execution of the cursor is to be redirected to the other database system

Klots '521 discloses the request includes an SQL statement that requires the lacking object in the step of determining, the SQL statement is placed in the form of a cursor, and in the step of modifying, the cursor is marked to indicate that execution of the cursor is to be redirected to the other database system [col 1, lines 10-16]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bodnar '129 to include the request includes an SQL statement that requires the lacking object in the step of determining, the SQL statement is placed in the form of a cursor, and in the step of modifying, the cursor is marked to indicate that execution of the cursor is to be redirected to the other database system as taught by Klots '521.

Art Unit: 2171

The ordinarily skilled artisan would have been motivated to modify Bodnar '129 as above for the purpose of improving the acceptability of the database by using a popular database query language such as SQL.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar '129 in view of Pub No US 2002/0124082 issued to San Andres et al (hereafter San Andres '082)

Claim 4:

Bodnar '129 discloses the elements of claims 1 and 2 as noted above.

Bodnar '129 fails to disclose the request includes a call to a procedure object that is lacking and in the step of modifying, the call is rewritten in the form required for execution as a remote procedure call directed to the other database system.

San Andres '082 discloses the request includes a call to a procedure object that is lacking and in the step of modifying, the call is rewritten in the form required for execution as a remote procedure call directed to the other database system [paragraph 130].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bodnar '129 to include the request includes a call to a procedure object that is lacking and in the step of modifying, the call is rewritten in the form required for execution as a remote procedure call directed to the other database system as taught by San Andres '082.

The ordinarily skilled artisan would have been motivated to modify Bodnar'129 to include the above modification for the purpose of accessing remote properties [paragraph 130]

Art Unit: 2171

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux



September 16, 2003



SAFET METJAHIC
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